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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **WESTERN DIVISION**  
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12 BRYANNA G. M.,

13 Plaintiff,

14 v.

15 KILOLO KIJAKAZI, Acting  
16 Commissioner of Social Security,

17 Defendant.  
18

Case No. 2:23-cv-02663-BFM

**MEMORANDUM OPINION  
AND ORDER**

19 **I. PROCEDURAL HISTORY**

20 Plaintiff Bryanna G. M.<sup>1</sup> applied for Supplemental Security Income  
21 payments, alleging a disability that commenced on January 1, 2019.  
22 (Administrative Record (“AR”) 22, 247-55.) Plaintiff’s application was denied at  
23 the initial level of review and on reconsideration, after which she requested a  
24 hearing in front of an Administrative Law Judge. (AR 22.) The ALJ held a  
25 hearing and heard from Plaintiff, and a vocational expert (AR 38-62), after  
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27 <sup>1</sup> In the interest of privacy, this Memorandum Opinion and Order uses only  
28 the first name and middle and last initials of the non-governmental party in this  
case.

1 which the ALJ issued an unfavorable decision. (AR 22-33.) The ALJ found at  
 2 step two of the disability analysis<sup>2</sup> that Plaintiff has the severe impairments of  
 3 bipolar disorder; personality disorder; and posttraumatic stress disorder. (AR  
 4 24.) At step three, the ALJ concluded that those conditions do not meet or  
 5 medically equal the severity of any impairment contained in the regulation's  
 6 Listing of Impairments—impairments that the agency has deemed so severe as  
 7 to preclude all substantial gainful activity and require a grant of disability  
 8 benefits. (AR 25); *see* 20 C.F.R. pt. 404, subpt. P, app. 1.

9 The ALJ determined at step four that Plaintiff has no past relevant work,  
 10 but credited the vocational expert's testimony that an individual like Plaintiff  
 11 could perform other jobs in the national economy. (AR 32-33.) The ALJ thus  
 12 found Plaintiff to be not disabled and denied her claim. (AR 33.) The Appeals  
 13 Council denied review of the ALJ's decision. (AR 1-6.)

14 Dissatisfied with the agency's resolution of her claim, Plaintiff filed a  
 15 Complaint in this Court. Her sole argument here is that the matter should be  
 16 remanded because the ALJ failed to provide clear and convincing reasons for  
 17 rejecting Plaintiff's allegations regarding her anger outbursts. (Pl.'s Br. at 3.)  
 18 Defendant requests that the ALJ's decision be affirmed.

## 19 20 II. STANDARD OF REVIEW

21 Under 42 U.S.C. § 405(g), the Court reviews the Commissioner's decision  
 22 to deny benefits to determine if: (1) the Commissioner's findings are supported  
 23 by substantial evidence; and (2) the Commissioner used correct legal standards.  
 24 *See Carmickle v. Comm'r Soc. Sec. Admin.*, 533 F.3d 1155, 1159 (9th Cir. 2008);  
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26 <sup>2</sup> A five-step evaluation process governs whether a plaintiff is disabled. 20  
 27 C.F.R. §§ 404.1520(a)-(g)(1), 416.920(a)-(g)(1). The ALJ, properly, conducted the  
 28 full five-step analysis, but only the steps relevant to the issue raised in the  
 Complaint are discussed here.

1 *Brewes v. Comm’r Soc. Sec. Admin.*, 682 F.3d 1157, 1161 (9th Cir. 2012).  
 2 “Substantial evidence . . . is ‘more than a mere scintilla.’ It means—and only  
 3 means—‘such relevant evidence as a reasonable mind might accept as adequate  
 4 to support a conclusion.’” *Biestek v. Berryhill*, 139 S. Ct. 1148, 1154 (2019)  
 5 (citations omitted); *Gutierrez v. Comm’r of Soc. Sec.*, 740 F.3d 519, 522-23 (9th  
 6 Cir. 2014) (internal quotation marks and citation omitted). To determine  
 7 whether substantial evidence supports a finding, the reviewing court “must  
 8 review the administrative record as a whole, weighing both the evidence that  
 9 supports and the evidence that detracts from the Commissioner’s conclusion.”  
 10 *Reddick v. Chater*, 157 F.3d 715, 710 (9th Cir. 1998).

### 11 12 III. DISCUSSION

13 The only question this case presents is whether the ALJ provided clear  
 14 and convincing reasons supported by substantial evidence to discount Plaintiff’s  
 15 testimony regarding her anger outbursts. For the reasons set forth below, the  
 16 Court determines that the ALJ’s decision must be affirmed.

#### 17 18 A. Legal Standard

19 Where a claimant testifies about subjective medical symptoms, an ALJ  
 20 must evaluate such testimony in two steps. First, the ALJ must determine  
 21 whether the claimant has presented objective medical evidence of an underlying  
 22 impairment that could “reasonably be expected to produce the pain or other  
 23 symptoms alleged.” *Lingenfelter v. Astrue*, 504 F.3d 1028, 1036 (9th Cir. 2007)  
 24 (citation and quotation marks omitted).

25 Second, if the claimant meets that first standard and there is no evidence  
 26 of malingering, the ALJ can reject the claimant’s testimony only by offering  
 27 “specific, clear and convincing reasons for doing so.” *Id.* (citation and internal  
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quotation marks omitted). An ALJ “is not required to believe every allegation of disabling pain, or else disability benefits would be available for the asking, a result plainly contrary to the Social Security Act.” *Smartt v. Kijakazi*, 53 F.4th 489, 499 (9th Cir. 2022) (citation and internal quotation marks omitted). At the same time, when an ALJ rejects a claimant’s testimony, she must “specify which testimony she finds not credible, and then provide clear and convincing reasons, supported by evidence in the record,” to support that determination. *Brown-Hunter v. Colvin*, 806 F.3d 487, 488-89 (9th Cir. 2015). General or implicit findings of credibility will not suffice; the ALJ “must show [her] work.” *Smartt*, 53 F.4th at 499; *see also Treichler v. Comm’r of Soc. Sec. Admin.*, 775 F.3d 1090, 1102 (9th Cir. 2014).

The sufficiency of the explanation should be judged in light of its purpose—ensuring that this Court’s review is “meaningful.” *Brown-Hunter*, 806 F.3d at 489. That is, the explanation must be “sufficiently specific to allow a reviewing court to conclude the adjudicator rejected the claimant’s testimony on permissible grounds and did not arbitrarily discredit a claimant’s testimony regarding pain.” *Id.* at 493 (citation omitted). A “reviewing court should not be forced to speculate as to the grounds for an adjudicator’s rejection of a claimant’s allegations of disabling pain.” *Bunnell v. Sullivan*, 947 F.2d 341, 345-46 (9th Cir. 1991).

Judged by that standard, the ALJ’s explanation of the decision to reject Plaintiff’s testimony about her symptoms was sufficient.

## **B. The ALJ’s Decision**

The ALJ set out the two-step analysis for considering a claimant’s testimony. After doing so, she discounted Plaintiff’s testimony, finding that her testimony about the intensity, persistence, and limiting effects of her symptoms

1 was inconsistent with her “grossly stable response to medication management.”  
2 (AR 29.) Specifically, since starting regular medication management, Plaintiff  
3 has required medication adjustments and reported persistent symptoms of  
4 anger and social anxiety, but “there has been no reporting of hallucinations  
5 despite increased anger and fighting with her girlfriend’s father.” (AR 29.)  
6 During the period Plaintiff was compliant with medications, she only reported  
7 two angry outbursts, one in August 2020 and the other in June 2021. A third  
8 incident, a fight that reportedly occurred in March/April 2020, happened at a  
9 time when Plaintiff was not taking her medications. But after starting her  
10 medications again, she reported a “significant improvement in her mood” and  
11 said that she was “more in control of her emotions.” (AR 29.) Her treating  
12 providers have also generally noted her to be calm and cooperative, and there  
13 was no change in her mental status examinations even after changes in  
14 routines, “like being kicked out of the house for a month or being out of town ‘for  
15 a while.’” (AR 29.) And, contrary to Plaintiff’s hearing testimony, she reported  
16 better control and recognition of her mood swings and anger with treatment.  
17 (AR 29 (citing AR 401, 424, 427).)

18 For those reasons, the ALJ concluded that the limitations in the residual  
19 functional capacity was adequate to accommodate Plaintiff’s symptoms. (AR 30.)  
20 Those limitations included never having contact with the public, occasional  
21 contact with supervisors and co-workers, and occasional changes in the work  
22 setting. (AR 26-27.)

### 23 24 **C. Analysis**

25 Plaintiff argues that the ALJ erred, both in overlooking significant  
26 portions of Plaintiff’s testimony that contradicted the ALJ’s conclusion, and in  
27 failing to give reasons supported by substantial evidence for rejecting Plaintiff’s  
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1 testimony. The Court is not persuaded that the ALJ erred.

2 One of Plaintiff's primary argument is that the ALJ mischaracterized the  
3 prevalence of Plaintiff's anger issues. The ALJ noted that there were only two  
4 reported incidents of angry outbursts since Plaintiff has been compliant with  
5 her medication, one in August 2020 and one in June 2021. Plaintiff asserts that  
6 this is a mischaracterization because she "has reported anger a number of  
7 times." (Pl.'s Br. at 6 (citing AR 371, 377, 398, 412, 422, 429).) But Plaintiff's  
8 citations do not bear out her claim. Of the six record cites, two are duplicates of  
9 each other and discuss her August 2020 outburst (AR 412, 422), and one reflects  
10 the outburst ten months later in June 2021 (AR 429.) Those three citations  
11 support the ALJ's conclusion.

12 Of the remaining three citations, one reflects Plaintiff's report to her  
13 therapist that she "is feeling well, her household is getting along well, and she  
14 *denies* any recent impulsivity or anger/aggressive behavior." (AR 398 (emphasis  
15 added).) The last two reflect Plaintiff's general description of her anger  
16 symptoms to the consultative psychiatric examiner and on intake at the mental  
17 health clinic. (AR 371, 377.) But the ALJ considered both reports. As for the  
18 consultative examiner, Dr. DeBattista described Plaintiff's report of her history  
19 of angry outbursts, but noted that the Plaintiff was not agitated or distressed in  
20 the moment. Dr. DeBattista reported his views on the limitations warranted  
21 based on his examination—including ones relating to Plaintiff's ability to work  
22 with the public and coworkers. (AR 373.) The ALJ thoroughly discussed Dr.  
23 DeBattista's examination, adopted part of it as persuasive, and analyzed how  
24 Dr. DeBattista's report undermined Plaintiff's testimony. (AR 30.) In no way  
25 was this report overlooked, nor does Plaintiff persuade the Court that the ALJ  
26 wrongly understood the nature or frequency of Plaintiff's anger issues.

27 Likewise, the information contained in the intake note is described in the  
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1 ALJ's order; the intake record described Plaintiff's condition when she first  
2 sought treatment from Los Angeles County in January 2020, before she was  
3 stabilized on medication. (AR 28 (discussing AR 377).) Her statement describing  
4 her condition at the outset of treatment does not undermine the ALJ's  
5 determination that Plaintiff's anger symptoms improved after she began  
6 treatment. In short, the record does not bear out Plaintiff's claim that the ALJ  
7 overlooked significant incidents of angry outbursts while she was compliant  
8 with her medication regime.

9 Plaintiff points to other claims in her testimony: that she lives with her  
10 girlfriend and her girlfriend's grandparents and has "gotten kicked out five or  
11 six times because I like lose control and I spaz out and I've gotten into it with  
12 people in the house." (Pl.'s Br. at 6 (citing AR 50).) She also testified that her  
13 "main thing right now is like my social anxiety" (AR 46, 51), and noted that she  
14 has "been good" but "lose[s] it a little bit here and there but it's not like  
15 aggressive, and me throwing things or punching things," although she feels like  
16 she is "starting to spaz out again" and feels herself "getting back into that same  
17 pattern" of wanting to throw something or hit something." (AR 50-51.)

18 Again, the ALJ did not overlook that testimony; she simply concluded that  
19 that testimony was not entirely consistent with the evidence in the record—and  
20 in particular, that Plaintiff's anger issues were greatly reduced while she was  
21 compliant with her medication. (AR 28.) In contrast to her testimony during the  
22 hearing, Plaintiff told her therapist in July 2021 that, while "anger outbursts .  
23 . . are her main symptoms," her last episode was a month before that. (AR 29,  
24 429.) At that same visit, Plaintiff reported that her anger symptoms are "way  
25 better with medications," and she will catch herself when she gets mad, can feel  
26 herself getting upset, and "nowadays . . . is recognizing it more." (AR 429.) The  
27 ALJ observed that Plaintiff reported fewer outbursts when complying with her  
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1 treatment, and, indeed, had told the ALJ at the hearing that her main symptom  
2 at that time was her social anxiety, a condition for which she started receiving  
3 medication about a month before the hearing. (AR 29, 46, 51, 52, 55, 424, 427,  
4 429.) Once again, the Court is not persuaded that the ALJ's conclusion with  
5 respect to Plaintiff's anger issues is not supported by substantial evidence.

6 Plaintiff's brief suggests the ALJ overlooked that her condition caused her  
7 to drop out of school. (Pl.'s Br. at 6.) But Plaintiff dropping out of school had  
8 nothing to do with her anger. In July 2021, she reported to her therapist that  
9 she dropped out of cosmetology school due to being overwhelmed. She said the  
10 same during the hearing, where she testified that she only completed 3 months  
11 of a 2-year cosmetology program, because she was overwhelmed when classes  
12 went back to being in-person. (Pl.'s Br. at 6 (citing AR 45, 429).) Plaintiff's  
13 testimony that she dropped out of cosmetology school when it returned to in-  
14 person classes does not undermine the ALJ's finding that Plaintiff's anger  
15 outbursts decreased after starting treatment. As for Plaintiff's social anxiety,  
16 the ALJ took that condition into account when she limited Plaintiff to no public  
17 interactions and only occasional interactions with supervisors and coworkers,  
18 and Plaintiff does not challenge the ALJ's findings as to her social anxiety. (AR  
19 30.)

20 Plaintiff argues that the ALJ's "sole reason" for rejecting Plaintiff's  
21 testimony regarding her anger is because "there is no indication that she would  
22 not improve." (Pl.'s Br. at 5 (citing AR 30).) The Court disagrees with Plaintiff's  
23 characterization. The ALJ's reference to potential future improvement, again,  
24 related to Plaintiff's social anxiety, not her anger. The ALJ noted that Plaintiff  
25 had had a good response to medication management of *her manic and depressive*  
26 *symptoms*, and opined that there is no indication that her "*social anxiety*  
27 *symptoms* would not [also] improve" with medication—medication that had only  
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1 been instituted the prior month. (AR 30 (emphasis added).) In other words, the  
2 ALJ's conclusion was not premised on any assumptions that Plaintiff's anger  
3 symptoms were on an upward trajectory.

4 For these reasons, the Court determines that the ALJ provided specific,  
5 clear and convincing reasons supported by substantial evidence for discounting  
6 Plaintiff's anger symptoms. *Biestek*, 139 S. Ct. at 1154. Remand is not  
7 warranted on this issue.

#### 8 9 IV. CONCLUSION

10 For all the foregoing reasons, **IT IS ORDERED** that the decision of the  
11 Commissioner finding Plaintiff not disabled is **AFFIRMED**.

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13 DATED: October 19, 2023



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14 BRIANNA FULLER MIRCHEFF  
15 UNITED STATES MAGISTRATE JUDGE  
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